

## Message Text

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PAGE 01 ROME 04664 301917 Z

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ACTION NEA-12

INFO OCT-01 EUR-06 IO-03 ADP-00 SCS-01 L-03 CIAE-00 INR-10

NSAE-00 RSC-01 NEAE-00 RSR-01 PRS-01 /039 W

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P R 301815 Z MAY 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 9035

INFO AMEMBASSY BEIRUT PRIORITY

USMISSION USUN NEW YORK

C O N F I D E N T I A L ROME 4664

E. O. 11652: GDS

TAGS: PINS, CASC, IT SY ( BATES, JONATHAN)

SUBJECT: BATES CASE

REF: ROME 4500; STATE 102485

1. BEING SUMMARY: ITALIAN AMB IN DAMASCUS BELIEVES THAT MIDEAST DEBATE IN SECURITY COUNCIL WILL CREATE UNFAVORABLE ATMOSPHERE FOR BATES HEARING SCHEDULED FOR JUNE 7, AND THEREFORE IT ADVISABLE THAT HEARING BE POSTPONED. ITALIAN FONMINISTRY HAS ASKED FOR DEPT' S INSTRUCTIONS ON POSTPONEMENT OF HEARING ON URGENT BASIS. END SUMMARY.

2. ON MAY 30, RESPONSIBLE ITALIAN FONMINISTRY OFFICIAL CONVEYED SUBSTANCE OF " MOST URGENT" MESSAGE JUST RECEIVED FROM ITALIAN AMB TO DAMASCUS BUCCI ON BATES CASE.

3. BUCCI DISCUSSED BATES CASE WITH LAWYER BITAR MAY 29. BITAR WAS " RATHER DOUBTFUL " ABOUT PRESENTING BATES DEFENSE AT SCHEDULED JUNE 7 HEARING. BITAR COMMENTED THAT, CONCRETE EVIDENCE NOTWITHSTANDING, BATES CASE IS SUBJECT TO POLITICAL CLIMATE OF THE MOMENT.

4. BUCCI, NOTING THAT SC MIDEAST DEBATE WILL BEGIN IN EARLY JUNE AND MAY BE COINCIDENT WITH BATES HEARING, EXPRESSED VIEW THAT US POSITION IN DEBATE MAY APPEAR TO BE PRO- ISRAELI AND THIS COULD  
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PAGE 02 ROME 04664 301917 Z

CAUSE AN " INCREASE IN TEMPERATURE" IN DAMASCUS. BUCCI EXPRESSED CONCERN THAT HEAT OF THE MOMENT COULD INFLUENCE JUDGES WHO IN ANY CASE WOULD HAVE TO " SHOW COURAGE" IF THEY ARE TO BE LENIENT RATHER THAN SEVERE WITH BATES, PARTICULARLY IN AN OVERHEATED POLITICAL ATMOSPHERE.

5. BUCCI COMMENTED THAT IT WAS HIS BELIEF THAT IT IS UNWISE FOR US TO SHOW " POLITICAL INTEREST" IN BATES CASE SINCE THIS COULD PROMPT SYRIANS TO TAKE HARDER LINE TOWARD BATES IN EFFORT TO USE CASE AS BARGAINING DEVICE.

6. BUCCI STATED THAT HE IN AGREEMENT WITH BITAR' S VIEW THAT JONATHAN BATES HIMSELF IS THE " SOLE RESPONSIBLE PERSON" TO DECIDE WHETHER IT ADVISABLE OR NOT TO POSTPONE PRESENTATION OF HIS DEFENSE. HOWEVER, BUCCI STATED IF US, IN LIGHT OF SITUATION DESCRIBED ABOVE, ADVISED POSTPONEMENT, BUCCI WOULD FOLLOW US GUIDANCE RATHER THAN DECISION OF JONATHAN.

7. BUCCI ASKED FONMINISTRY TO REQUEST THAT EMB ROME INFORM DEPT TO NOTIFY PROFESSOR BATES THAT CASE MAY NOT RPT NOT BE DISCUSSED ON JUNE 7.

8. WE INFORMED FONMINISTRY OFFICIAL THAT PROF BATES HAD DECIDED TO DEFER TRAVEL TO DAMASCUS ( STATE REFTEL), AND WE REMARKED THAT PROFESSOR BATES' DECISION APPEARED TO OVERTAKE URGENCY OF BUCCI' S MESSAGE. WE NOTED THAT DEPT HAD ALREADY DISCUSSED QUESTION OF POSTPONING JUNE 7 HEARING WITH BATES' FAMILY AND HAD CONCLUDED THAT ON BALANCE IT WAS DEEMED ADVISABLE TO PROCEED WITH JUNE 7 HEARING ON SCHEDULE.

9. OFFICIAL SAID HE DID RECALL DEPT/ BATES FAMILY VIEW THAT HEARING SHOULD PROCEED; HOWEVER, HE SAID THAT AMB BUCCI' S COMMENTS STRONG-  
LY IMPLIED THAT HE BELIEVES A POSTPONEMENT IS ADVISABLE. OFFICIAL ASKED THAT WE SEEK DEPT' S INSTRUCTIONS ON QUESTION OF POSSIBLE POSTPONEMENT OF HEARING ON URGENT BASIS, AND THAT INSTRUCTIONS BE PASSED TO BUCCI VIA FONMINISTRY IN ROME. VOLPE

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